

REMARKS

In response to the above-identified Office Action, Claim 1 is amended, Claim 21 is cancelled and no claims are added. Accordingly, Claims 1-20 are pending and are rejected. Reconsideration and withdrawal of the rejections of record are requested in view of such amendments and the following discussion.

I. Claim Rejections Under 35 U.S.C. §102(a)

The Examiner rejects Claims 1-5 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,594,700 issued to Graham ("Graham").

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" Lindemann Maschinenfabrik v. American Hoist & Derrick ("Lindemann"), 730 F.2d 452, 1458 (Fed. Cir. 1994)(emphasis added). Additionally, each and every element of the claim must be exactly disclosed in the anticipatory reference. Titanium Metals Corp. of America v. Banner ("Banner Titanium"), 778 F.2d 775, 777 (Fed. Cir. 1985).

Regarding Claim 1, Claim 1 is amended to recite the following claim feature, which is neither taught nor suggested by either Graham or the references of record:

accessing, by the communication proxy, a web server to provide the Internet service to a client if the type of the communication proxy matches a communication proxy type specified by the client. (Emphasis added)

Applicants respectfully submit that the above-described feature of Claim 1 is neither taught nor suggested by either Graham or the references of record. Graham is directed to a method including a server provider protocol adapter servlet and a client protocol adapter servlet, which respectively listen for service advertisements and client look-up requests, which are converted into a canonical representation and stored within an internal registry to provide discovery.

Once a client request is converted into a canonical representation of the request, the client protocol adapter servlet uses the canonical representation of the request to look up a service required by the client. Once a match has been found, the client protocol adapter servlet brokers the mechanism of client service provider interaction. (See Abstract.)

As further described within Graham:

the protocol of the requester client and the service provider are unimportant. In the present invention, a client may have a protocol which is the same as or different from the service provider because an interaction between the client and the service provider is brokered in a protocol independent internal registry 402. (Col. 6, lines 13-18.) (Emphasis added.)

Conversely, a type of the communication proxy, by which a client and a web server interact to provide the Internet service to the client is required to match a communication proxy type

specified by the client, as recited by amended Claim 1. Hence, Applicants respectfully submit that the explicit statement within Graham that “the protocol of the requester client and the service provider are unimportant” (See col. 6, lines 13 and 14) specifically prohibits the Examiner from establishing that Graham teaches or suggests specification of a communication proxy type by a client, as recited by amended Claim 1.

Applicants respectfully submit that the above recited feature of accessing a web server using a communications proxy having a type that matches the communications proxy type specified by a client refers to the interaction mechanism between the client and the web server to provide the Internet service to the client. According to the Examiner:

The adapter servlet, which corresponds to the communications proxy, is compatible with the client environment and enables the client to request a service using the client's protocol from a service provider. (See, pg. 5, ¶2 of Office Action mailed November 12, 2004.) (Emphasis added.)

According to the Examiner, accessing by the communications proxy, a web server to provide the Internet service to a client if the communications proxy is compatible with the client, is taught at col. 6, line 66 - col. 7, line 38 of Graham. (See, pg. 5, ¶1 of Office Action mailed November 12, 2004).

As further described by Graham:

Associated with the client lookup mechanism is the ability to broker the mechanism of client-service provider interaction. (col. 7, lines 17-19.) (Emphasis added.)

As further described within Graham:

In effect, the client protocol adapter servlet brokers an interchange mechanism between the requester client and the service provider. In the case of brokering a UPnP-based service to a Jini client, this is accomplished by providing a java interface and implementation based on the Service-Name: protocol associated with the service provider to the requesting client. (col. 7, lines 32-38.) (Emphasis added.)

Applicants respectfully submit that the interchange mechanism brokered by the client protocol adapter servlet, as taught by Graham, is not required to match a type specified by the client, as recited by amended Claim 1. However, the case law is clear in establishing that each and every element of the claim must be exactly disclosed within an anticipatory reference. Id. Applicants respectfully submit that Graham does not qualify as an anticipatory reference to anticipate amended Claim 1, since Graham fails to disclose an interchange mechanism having a type that matches a type of an interchange mechanism specified by a client, as recited by amended Claim 1. Id.

Accordingly, Applicants respectfully submit that Applicants' amendment of Claim 1 prohibits the Examiner from establishing a *prima facie* case of anticipation of Claim 1 by Graham since Graham fails to teach or suggest a communication proxy type that is specified by a client, as

recited by amended Claim 1. Therefore, Applicants respectfully submit that Claim 1, as amended, is patentable over Graham, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(e) rejection of Claim 1.

Regarding Claims 2-5, Claims 2-5 depend from Claim 1 and therefore include the patentable claim features of Claim 1, as described above. Accordingly, Claims 2-5, based on their dependency from Claim 1, are also patentable over Graham, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(3) rejection of Claims 2-5.

Regarding Claims 6 and 17, Claims 6 and 17 recite the following claim feature, which is neither suggested nor taught by Graham or the references of record:

receiving metadata from the broker regarding a communication proxy having at least a matching communication proxy type to the desired communication proxy type. (Emphasis added.)

Applicants respectfully submit that the explicit statement within Graham indicating that “the client protocol adapter servlet brokers an interchange mechanism between the requester client and the service provider.” (See col. 7, lines 32-34) fails to teach the above-recited claim feature of amended Claims 6 and 17. In other words, the claimed features reciting a communications proxy having a communication proxy type matching a desired communication proxy type are directed to a client capability to specify a type of the interchange mechanism (communication proxy) used to provide interaction between a requester client and a service provider client.

Accordingly, Applicants respectfully submit that the Examiner fails to establish a *prima facie* case of anticipation of Claims 6 and 17 since Graham fails to disclose each and every element of Claims 6 and 17. Accordingly, Claims 6 and 17 are patentable over Graham, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(3) rejection of Claims 6 and 17.

Regarding Claims 7-12, Claims 7-12 depend from Claim 6 and therefore include the patentable claim features of Claim 6, as described above. Accordingly, Claims 7-12, based on their dependency from Claim 6, are also patentable over Graham, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(3) rejection of Claims 7-12.

Regarding Claims 18-20, Claims 18-20 depend from Claim 17 and therefore include the patentable claim features of Claim 17, as described above. Accordingly, Claims 18-20, based on their dependency from Claim 17, are also patentable over Graham, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(3) rejection of Claims 18-20.

Regarding Claim 13, Claim 13 recites the following claim feature, which is neither taught nor suggested by either Graham or the references of record:

receiving a request to locate a client-desired Internet service having a client-specified communication proxy type;
matching the request with the Internet service registration to identify a communications proxy of the communication proxy type. (Emphasis added.)

For at least the reason described above, Applicants respectfully submit that the Examiner fails to establish a *prima facie* case of anticipation of Claim 13, since Graham, as well as the references of record, fail to disclose at least the recited claim features of Claim 13, as provided above. Accordingly, Applicants respectfully submit that Claim 13 is patentable over Graham, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(e) rejection of Claim 13.

Regarding Claims 14-16, Claims 14-16 depend from Claim 13, and therefore include the patentable claim features of Claim 13, as described above. Accordingly, Claims 14-16, based on their dependency from Claim 13, are also patentable over Graham, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(e) rejection of Claims 14-16.

CONCLUSION

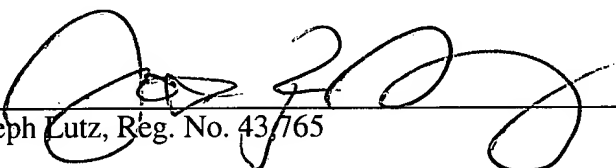
Applicant has amended the claims to recite features that are not taught or suggested by the references. No new matter is introduced by the Applicant's claim amendments, which are supported in Applicant's specification and are necessary for placing the present application in condition for allowance.

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-20 patentably define the present application over the prior art of record, and are therefore in condition for allowance; and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800, ext. 738.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

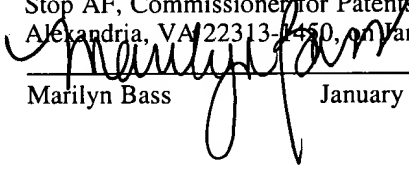
Dated: January 10, 2005


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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 10, 2005


Marilyn Bass January 10, 2005